

SUMMARY OF SUBSTITUTE AMENDMENT TO BE OFFERED TO H.R. 3550

TITLE I – FEDERAL-AID HIGHWAYS

SUBTITLE A – AUTHORIZATIONS OF PROGRAMS

Sec. 1101. AUTHORIZATIONS OF APPROPRIATIONS. – This section authorizes funds out of the Highway Trust Fund (other than the Mass Transit Account) for the following highway programs: Interstate Maintenance Program, National Highway System, Bridge Program, Highway Safety Improvements Program, Surface Transportation Program, Congestion Mitigation and Air Quality Improvement Program, Appalachian Development Highway System Program, Recreational Trails Program, Federal Lands Highways Program, National Corridor Infrastructure Improvement Program, Coordinated Border Infrastructure Program, Projects of National and Regional Significance Program, Construction of Ferry Boats and Ferry Terminal Facilities, National Scenic Byways Program, Congestion Pricing Pilot Program, Deployment of 511 Traveler Information Program, High Priority Projects Program, Freight Intermodal Connector Program, High Risk Rural Road Safety Improvement Program, Highway Use Tax Evasion Program, Pedestrian and Cyclist Equity, Dedicated Truck Lanes, Highways for LIFE Program, and Commonwealth of Puerto Rico Program.

Sec. 1102. OBLIGATION CEILING. – This section provides the obligation limitation for the federal-aid highway and highway safety construction programs. This section also addresses the exemptions to the obligation limitation, how obligation authority is distributed, the redistribution of unused obligation authority, and sets the limitation on obligations for administrative expenses.

Sec. 1103. APPORTIONMENTS. – This section makes changes to the process by which apportionments are made pursuant to Section 104 of Title 23. Administrative expenses for FHWA were formerly funded as a takedown and are now a specific authorized amount. This section also addresses some of the set-asides that are contained in Section 104 of Title 23.

Sec. 1104. MINIMUM GUARANTEE. – This section includes several new programs in the minimum guarantee calculation and increases the amount of minimum guarantee funding that has the broadest eligibility.

Sec. 1105. PROJECT APPROVAL AND OVERSIGHT. – This section amends the Financial Plan portion of section 106 of title 23 requiring states with a project that costs \$500 million or more to submit an annual financial plan.

Sec. 1106. TEMPORARY TRAFFIC CONTROL DEVICES. – This section requires that contracts for federally funded highway construction projects include costs for appropriate safety measures.

Sec. 1107. REVENUE ALIGNED BUDGET AUTHORITY. – This section conveys the Committee’s intent to continue the concept of revenue aligned budget authority in a way that ensures greater stability in program funding level adjustments.

Sec. 1108. EMERGENCY RELIEF. This section increases the authorized amount for the Emergency Relief Program from \$100 million to \$120 million beginning in FY 2005. This section also authorizes additional amounts for this program above the \$120 million per year to be derived from the General Fund.

Sec. 1109. SURFACE TRANSPORTATION PROGRAM. - This section continues the requirement that States suballocate a portion of their Surface Transportation Program funds to urbanized areas with over 200,000 individuals.

Sec. 1110. HIGHWAY USE TAX EVASION PROJECTS. – This section continues the existing program to combat highway use tax evasion, makes changes designed to reduce tax evasion and increase receipts into the Highway Trust Fund.

Sec. 1111. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM. - This section directs the Secretary to apportion funds made available for the Appalachian development highway system among the states on the basis of the cost to complete the system. It also prohibits the use of toll revenues as non-federal match for the construction, improvement, and maintenance of highways, bridges, or tunnels.

Sec. 1112. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES. – This section codifies the existing Ferry Boat Discretionary Program and requires the Secretary to establish a national ferry database.

Sec. 1113. INTERSTATE MAINTENANCE DISCRETIONARY. – This section eliminates the Interstate Maintenance Discretionary program.

SEC. 1114. HIGHWAY BRIDGE. – This section retains the principles for applications for and approval of federal assistance for bridge replacement or rehabilitation allowed in current law. However, it includes additional language to allow federal participation in preventive maintenance on a bridge, as well as, installing scour countermeasures to a bridge. This section also continues the discretionary bridge program and changes the lower bound for the off-system set-aside from 15 percent to 20 percent.

Sec. 1115. TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PROGRAM. – This section continues the Transportation and Community and System Preservation Program at a lower federal share of 80 percent.

SEC. 1116. DEPLOYMENT OF MAGNETIC LEVITATION TRANSPORTATION PROJECTS. – This section details the funding and eligibility requirements for constructing fixed guideway infrastructure, as well as, the related components necessary for the construction, but not including costs incurred for a new station.

SEC. 1117. RECREATIONAL TRAILS. – This section makes various improvements to the recreational trails program established in section 206 of title 23, U.S. Code.

Sec. 1118. FEDERAL LANDS HIGHWAYS. – This section makes amendments to Sec. 202 of title 23 to improve the ability of Indian tribes to contract for their own highway construction projects, and other amendments that will improve the Indian Reservation Roads program.

Sec. 1120. PEDESTRIAN AND CYCLIST EQUITY. – This section establishes a safe routes to school program to make bicycling and walking to school a safer and more appealing transportation alternative and a nonmotorized transportation pilot program to construct a network of nonmotorized transportation infrastructure facilities in 4 communities to demonstrate the extent to which bicycling and walking can carry a significant part of the transportation load.

Sec. 1121. NATIONAL COMMISSIONS. – This section establishes a commission to study possible future revenue sources to support the highway trust fund and a commission to study the future of the interstate highway system.

Sec. 1123. ROADWAY SAFETY. – This section directs the Secretary to enter into an agreement with an organization to develop a public service campaign to educate transportation officials, public safety officials, and motorists regarding the extent to which road hazards and design features are a factor in motor vehicle crashes. This section also directs the Secretary to make grants to an organization to operate a national bicycle and pedestrian clearinghouse.

Sec. 1124. EQUITY REQUIREMENT. - This section establishes a requirement that a law be enacted prior to FY 2006 that increases the minimum guarantee rate of return to 95 percent by FY 2009.

SUBTITLE B – CONGESTION RELIEF

SEC. 1201. MOTOR VEHICLE CONGESTION RELIEF. – This section inserts a new section 138 in title 23 that establishes a new requirement that States obligate a portion of their highway formula funds each year for congestion relief activities in urbanized areas over 200,000 in population. Congestion relief activities are projects that add capacity, improve interchanges and access, increase reliability through incident management, and make current systems more efficient. Such activities are divided into two categories – those that will be completed in less than one year and cost less than \$1 million; and those that will be completed within three years.

SEC. 1202. TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS. – This section establishes a new defined term under section 101(a) of title 23 for transportation systems management and operations programs, which are integrated programs that optimize the performance of existing infrastructure. These

activities include traffic surveillance, freeway management, demand management, electronic toll collection, automated enforcement, optimized traffic signalization, and others. A new section 166 is added to title 23 authorizing the Secretary to encourage States and other transportation planners and managers to actively engage in transportation systems management and operations programs. A new commission on intelligent transportation system procurement policy is established.

SEC. 1203. REAL-TIME SYSTEM MANAGEMENT INFORMATION

PROGRAM. – This section establishes a real-time system management information program in all States, to provide the capability to monitor traffic and travel conditions on the nation’s major highways.

SEC. 1204. EXPEDITED NATIONAL INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.

– This section establishes a comprehensive national program to accelerate the integration and deployment of intelligent transportation systems projects, programs and activities.

SEC. 1205. INTELLIGENT TRANSPORTATION SYSTEMS DEPLOYMENT.

– This section ensures that a minimum of \$3 billion from amounts authorized for the National Highway system, Interstate maintenance, surface transportation, and congestion mitigation and air quality improvement programs will be utilized annually on a national basis on deployment of intelligent transportation systems.

SEC. 1206. ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS.

– This section initiates a rulemaking process to establish categorical exclusions under the National Environmental Policy Act for intelligent transportation infrastructure and systems.

SEC. 1208. HOV LANES. – This section adds a new section 167 to title 23 that authorizes the conversion of HOV lanes to high occupancy toll (HOT) lanes.

SEC. 1209. CONGESTION PRICING PILOT PROGRAM. – This section amends the congestion pricing pilot program established under the Intermodal Surface Transportation Equity Act of 1991 to expand the authority to conduct such projects to all States, although the number of congestion pricing pilot projects is limited to 25.

SUBTITLE C – MOBILITY AND EFFICIENCY

SEC. 1301. NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT

PROGRAM. – This section creates a new program that makes allocations to States for highway construction projects in corridors of national significance.

SEC. 1302. COORDINATED BORDER INFRASTRUCTURE PROGRAMS.

– This section creates a new formula program targeted at states with international land

border that will improve the safe movement of motor vehicles at or across the borders between US and Canada or US and Mexico.

SEC. 1303. FREIGHT INTERMODAL CONNECTORS. – This section establishes a new program to improve the productivity and efficiency of the transportation of freight, while mitigating congestion in the area of freight intermodal connectors.

SEC. 1304. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE. – This section establishes a program to fund high-cost critical transportation infrastructure projects that will provide local, regional and national benefits in improving economic productivity, relieving congestion, and enhancing safety.

SEC. 1305. DEDICATED TRUCK LANES. – This section establishes and implements a pilot program to make allocations to States for the construction of projects that separate commercial truck traffic from other motor vehicle traffic.

SEC. 1306. TRUCK PARKING FACILITIES. – This section establishes a pilot program in cooperation with appropriate State, regional, and local governments to address the shortage of long-term parking for commercial motor vehicles on the National Highway System.

SUBTITLE D – HIGHWAY SAFETY

SEC. 1401. HIGHWAY SAFETY IMPROVEMENT PROGRAM. - This section establishes a new highway safety improvement program, increases the set-aside for Operation Lifesaver, and increases the set-asides for rail-highway crossing hazard elimination in high-speed rail corridors. The new highway safety improvement program is similar to the current highway safety Surface Transportation Program set-aside.

SEC. 1402. WORKER INJURY PREVENTION AND FREE FLOW OF VEHICLE TRAFFIC. - This section requires the Secretary to create regulations for the purpose of reducing the occurrence of worker injury through the use of high visibility garments.

SEC. 1403. HIGH RISK RURAL ROAD SAFETY IMPROVEMENT PROGRAM. – This section establishes a new program for construction and operational improvement projects on high risk rural roads.

SEC. 1404. TRANSFERS OF APPORTIONMENTS TO SAFETY PROGRAMS. – This section adjusts the various sanction, transfer, and penalty provisions in chapter one of title 23.

SEC. 1405. SAFETY INCENTIVE GRANTS FOR USE OF SEAT BELTS. – This section extends the funding for this program through FY 2004.

SEC. 1406. SAFETY INCENTIVES TO PREVENT THE OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS. – This section extends

funding for this program through FY 2004 and codifies the .08 BAC sanction that was done through the appropriations process.

SEC. 1407. REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED. –

This section changes the current provision to allow someone to operate a motor vehicle after the first 45 days of their suspension to and from work, school, or a treatment program so long as an ignition interlock device is installed on the vehicle.

SUBTITLE E – CONSTRUCTION AND CONTRACT EFFICIENCIES

SEC. 1501. DESIGN BUILD. - This section makes three amendments intended to improve the operation of the Design Build authority that was included in TEA 21.

SEC. 1502. WARRANTY HIGHWAYS. – This section provides authority to the Secretary for a specified number of projects per year for up to a 90% match where the contract to construct the project includes a warranty. The warranty must include specific items determined by the Secretary.

SEC. 1503. PUBLIC-PRIVATE VENTURE. – This section authorizes a study of specific issues that affect the amount of private capital involved in public transportation construction and maintenance projects.

SEC. 1504. HIGHWAYS FOR LIFE. – This section authorizes the Secretary to expend funds on innovative highway projects where the construction techniques and the materials utilized extend the life of the highway and shorten the amount time required to construct them.

SEC. 1504. PUBLIC-PRIVATE VENTURE. – This section authorizes a study of the benefits and barriers, if any, to private investment in transportation infrastructure projects.

SUBTITLE F – FINANCE

SEC. 1601. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT. – This section makes programmatic changes to the TIFIA program. These include lowering the minimum loan amount to \$50 million (\$15 million for ITS projects).

SEC. 1602. STATE INFRASTRUCTURE BANKS. – This section codifies the existing SIBS program, makes programmatic changes and opens the program to all 50 states.

SEC. 1603. INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION TOLL PILOT PROGRAM. – This section establishes an interstate system reconstruction and rehabilitation pilot program similar to the one

authorized in TEA 21. The new program is limited to 3 facilities and requires states to show that tolling is the most efficient and economical way to finance the project.

SEC. 1604. INTERSTATE SYSTEM CONSTRUCTION TOLL PILOT

PROGRAM. – This section establishes a new pilot program for projects involving the construction of new interstate facilities. The program is limited to 3 facilities (multi-state corridor projects may be considered as one facility) and states must show that tolling is the most efficient and economical way to finance the project.

SUBTITLE G – HIGH PRIORITY PROJECTS

SEC. 1701. HIGH PRIORITY PROJECTS PROGRAM. – This section updates the current high priority projects program to reflect the funding and year-by-year allocations provided in TEA LU.

SEC. 1702. PROJECT AUTHORIZATIONS. – This section lists the state, project description, and dollar amount for each high priority project.

SUBTITLE H – MISCELLANEOUS PROVISIONS

SEC. 1801. BUDGET JUSTIFICATION. – This section requires DOT and each agency therein to submit to the T&I Committee a budget justification concurrently with the President's budget.

SEC. 1802. MOTORIST INFORMATION. – This section repeals section 124 of title I of division F of the FY 2004 appropriations bill.

SEC. 1803. MOTORIST INFORMATION CONCERNING FULL SERVICE RESTAURANTS. – This section requires the Secretary to do a rulemaking to determine whether or not to give priority to full service restaurants on at least two of the panels for highway food service signs.

SEC. 1804. HIGH PRIORITY CORRIDORS ON THE NATIONAL HIGHWAY SYSTEM. – This section adds corridors to the high priority corridor list in ISTEA.

SEC. 1805. ADDITIONS TO THE APPALACHIAN REGION. – This section adds 12 counties to the jurisdiction of the Appalachian Regional Commission.

SEC. 1806. TRANSPORTATION ASSETS AND NEEDS OF DELTA REGION. – This section directs the Secretary to perform a study on the transportation assets and needs of the Delta Region.

SEC. 1807. TOLL FACILITIES WORKPLACE SAFETY STUDY. – This section directs the Secretary to conduct a study on the safety of highway toll collection facilities.

SEC. 1808. PAVEMENT MARKING SYSTEMS DEMONSTRATION

PROJECTS. – This section directs the Secretary to conduct demonstration projects in Alaska and Tennessee to study the impacts of increasing the minimum width for pavement markings from 4 inches to 6 inches.

SEC. 1810. WORKZONE SAFETY GRANTS. – This section directs the Secretary to establish a work zone safety grant program to provide training to prevent or reduce highway work zone injuries and fatalities.

SEC. 1812. GRANT PROGRAM TO PROHIBIT RACIAL PROFILING. – This section establishes an incentive grant program for states that enact laws that prohibit racial profiling.

SEC. 1813. AMERICA’S BYWAYS RESOURCE CENTER. – This section establishes and funds a resource center to provide technical assistance for the National Scenic Byways program.

SEC. 1814. CONFORMING AMENDMENT FOR TRANSPORTATION PLANNING SECTIONS. – This section amends sections 134 and 135 of title 23, United States Code to indicate that metropolitan and statewide transportation planning programs funded under those sections shall be carried out according to the provisions the unified highway and transit planning chapter in chapter 52, title 49, United States Code. (See Title VI of TEA LU.)

TITLE II – HIGHWAY SAFETY

SEC. 2001. AUTHORIZATIONS OF APPROPRIATIONS. – This section authorizes funds out of the Highway Trust Fund (other than the Mass Transit Account) for NHTSA’s highway safety programs.

SEC. 2002. OCCUPANT PROTECTION INCENTIVE GRANTS. – This section extends the existing Section 405 program for the next six years and adds an eligibility standard which ties to a state’s seat belt usage rate.

SEC. 2003. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES. – This section extends the existing Section 410 program. This section also adds an eligibility standard, which provides automatic eligibility for states with a low alcohol-related fatality rate and changes other eligibility criteria in Basic Grant A. This section also adds a new Basic Grant B, which is targeted toward states with a high alcohol-related fatality rate.

SEC. 2004. STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS. – This section establishes a new State traffic safety information system incentive grant program.

SEC. 2005. HIGH VISIBILITY ENFORCEMENT PROGRAM. – This section enables the Secretary to establish a new program that supports the national impaired driving and safety belt mobilization and enforcement efforts, including the purchase of national paid advertisement.

SEC. 2006. MOTORCYCLE CRASH CAUSATION STUDY. – This section requires the Secretary to conduct a study on the causes of motorcycle crashes. The Secretary is to report back to Congress no later than 3 years after the enactment of this Act.

SEC. 2007. CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE PROGRAM. – This section establishes a new incentive grant program for states that have enacted a law requiring children riding in passenger vehicles to be secured in child safety seats or child booster seats.

SEC. 2008. SAFETY DATA. – This section requires the Secretary to collect data on accidents involving motor vehicles being backed up that result in fatalities and injuries.

SEC. 2009. MOTORCYCLIST SAFETY. – This section establishes a new motorcyclist advisory council to advise the Federal Highway Administrator on infrastructure issues that concern motorcyclists. This section also establishes a motorcycle safety incentive grant program for states that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcycles.

SEC. 2010. DRIVER FATIGUE. – This section adds driver fatigue to the list of safety factors to be included in State highway safety programs.

TITLE III – FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 3001. SHORT TITLE. AMENDMENTS TO TITLE 49, UNITED STATES CODE. – Title III of the bill is cited as the “Federal Public Transportation Act of 2004.” All amendments in this title, unless otherwise specified, are made to chapter 53 of title 49, United States Code.

SEC. 3002. POLICIES, FUNDING AND PURPOSES. – This section replaces the terms “mass transit” and “mass transportation” with “public transportation” to reflect the growing importance of the federal transit programs in non-urban and rural areas as well as in larger cities.

SEC. 3003. DEFINITIONS. – This section changes the definitions in section 5302 to add new eligibilities for federal capital transit funding, including intercity bus stations and terminals, crime prevention and security projects, debt service reserve funds, and mobility management activities and projects.

SEC. 3004. METROPOLITAN PLANNING. – This section amends sections 5303 and 5304 of title 49, United States Code, which contain the metropolitan planning process for

federal transit funded programs under current law. TEA LU consolidates metropolitan planning provisions for both highways and transit into a unified planning section under chapter 52 of title 49, United States Code. (The unified planning chapter is found in Title VI of TEA LU.)

SEC. 3005. STATEWIDE PLANNING. – This section reflects that grants made to States under sections 5307, 5308, 5309, 5310, 5311, 5316 or 531 are subject to statewide planning requirements, which are moved to the consolidated planning title under chapter 52 of title 49, United States Code. (See Title VI of TEA LU.)

SEC. 3006. PLANNING PROGRAMS. – This section moves the metropolitan planning and statewide planning funding provisions contained in current law sections 5303(g) and 5313(b) into a unified section on planning programs as the amended section 5305. The planning programs section describes how funds are allocated to Metropolitan Planning Organizations, and how the overall planning funding is split between metropolitan and statewide planning.

SEC. 3007. PRIVATE ENTERPRISE PARTICIPATION. – This section shortens the current law section 5306 heading. The text of section 5306 is not amended.

SEC. 3008. URBANIZED AREA FORMULA GRANTS. – This section amends section 5307, which contains provisions governing the eligibility and procedures for urbanized area formula grants to transit providers in areas of 50,000 and more in population. Changes to the section include lifting the limitation on the amount of funds generated by advertising and concessions that can be used as local match. The existing extension of operating flexibility in urbanized areas that increased to over 200,000 in population in the 2000 Census is further extended through the end of fiscal year 2005.

SEC. 3009. CLEAN FUELS FORMULA GRANT PROGRAM. – This section amends section 5308 regarding the clean fuels formula grant bus procurement program to clarify its formula-based nature as an apportioned program. Grants are available to cities in non-attainment or maintenance under the Clean Air Act to purchase clean fuel buses. The formula is weighted by the severity of the recipient area's non-attainment classification.

SEC. 3010. CAPITAL INVESTMENT GRANTS. – This section amends section 5309, which authorizes capital investment grants for new fixed guideway capital projects (“new starts”), fixed guideway modernization (“rail modernization”), and bus and bus-related facilities. A new program is established under this section for capital investment grants of \$75 million or less (“small starts”). These smaller federal grants are geared toward less expensive fixed guideway projects such as streetcars and trolleys, bus rapid transit, and commuter rail. The eligibility for fixed guideway under the small starts program is broadened to include corridor-based bus projects that have 50 percent or more dedicated alignment. The Federal share for new starts and small starts grants remains 80 percent, and the Secretary is prohibited from requiring a higher local match than 20 percent.

SEC. 3011. FORMULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES. – This section amends Section 5310, which authorizes formula grants to States for the public transportation projects and services that meet the special needs of the elderly and disabled. A new eligibility for up to 50 percent net operating costs is established. The apportionment formula includes an adjustment for areas with a low population density, to compensate for higher operating costs of public transportation services in large states with small populations.

SEC. 3012. FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS. – This section amends Section 5311, which authorizes formula grants to States for public transportation projects and services in non-urbanized areas (those below 50,000 in population). The apportionment formula includes an adjustment for areas with a low population density, to compensate for higher operating costs of public transportation services in large states with small populations.

SEC. 3013. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS. – This section amends Section 5312, which authorizes the Secretary to make grants, contracts, cooperative agreements, and other transactions for research, development, demonstration, and deployment projects related to public transportation. Subsections 5312(b) and (c) of current law regarding grants to higher learning institutions and fellowships are moved to section 5322.

SEC. 3014. COOPERATIVE RESEARCH PROGRAM. – This section amends Section 5313, which authorizes the transit cooperative research program. Under current law, section 5313(b) authorized State planning programs, which are now authorized under the unified planning chapter 52 of title 49, United States Code.

SEC. 3015. NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS. – This section amends Section 5314, which authorizes the national transit research and technology programs. Current law section 5314(a)(2) includes a \$3 million authorization from this program for Project Action, for technical assistance, public education and research to help public transportation providers comply with the Americans with Disabilities Act. This program is continued, but funding is provided as a set-aside from the total transit research program funds under section 5338(d).

SEC. 3016. NATIONAL TRANSIT INSTITUTE. – This section amends Section 5315, which authorizes the National Transit Institute (NTI) at Rutgers University in New Jersey. The NTI is a national training institute for public transportation planning, management, and administration. Funding is provided for the NTI as a set-aside from the total transit research program funds under section 5338(d).

SEC. 3017. JOB ACCESS AND REVERSE COMMUTE FORMULA GRANTS. – This section codifies as Section 3016 the Job Access and Reverse Commute (JARC) grant program first authorized in section 3037 of the Transportation Equity Act for the 21st Century (TEA 21). The program provides funding for public transportation capital

projects and operating grants to transport welfare recipients and low-income persons to and from employment. The program has been modified to be a formula program, rather than discretionary.

SEC. 3018. NEW FREEDOM PROGRAM. – This section codifies as Section 3017 the New Freedom program, which provides grants for new public transportation projects and services for the disabled community that go beyond the requirements of the Americans with Disabilities Act, including transportation to and from employment. Grants are provided by a formula apportionment to urbanized areas and States, and eligible projects are selected through a competitive process at the State and local levels.

SEC. 3019. BUS TESTING FACILITY. – This section amends Section 5318, which authorizes a national bus testing facility for the purpose of testing new bus models for maintainability, reliability, safety, performance, structural integrity, fuel economy, and noise. Under current law, funding was provided for the bus testing facility under the bus and bus facilities program, but TEA LU provides this funding as a set-aside from the total formula grants program.

SEC. 3020. BICYCLE FACILITIES. – This section makes technical and conforming amendments to Section 5318, which authorizes capital grant funds to be used for bicycle parking and shelters at public transportation facilities.

SEC. 3021. TRANSIT IN THE PARKS PILOTS PROGRAM. – This section codifies as Section 3020 the transit in the parks pilot program. This new program provides for the establishment of a pilot program for public transportation capital projects and limited operating expenses for those projects in units of the National Park System. Section 5320 under current law, the suspended light rail system technology pilot project, is repealed.

SEC. 3022. HUMAN RESOURCES PROGRAMS. – This section amends Section 5322 by incorporating the grants to higher learning institutes and fellowships authorizations included under section 5312 in current law.

SEC. 3023. GENERAL PROVISIONS ON ASSISTANCE. – This section amends Section 5323, regarding general provisions on federal grant assistance provided under chapter 53 of title 49, United States Code. The subsection regarding conditions on the provision of charter bus transportation service is amended to allow the Federal Transit Administration to assess fines and withhold grant funds if public transportation agencies violate the narrowly defined conditions under which public transportation providers can provide charter services. A new subsection is added that makes revenue bond proceeds eligible for use as local match against federal transit grants and that authorizes recipients to establish debt service reserves using up to 10 percent of their federal grant funds. The subsection regarding school bus transportation is amended to allow the Federal Transit Administration to assess fines and withhold grant funds if public transportation agencies violate the narrowly defined conditions under which public transportation providers can provide school bus transportation. The subsection regarding Buy America is amended to require written justification for public interest waivers and to allow parties adversely

affected by Federal Transit Administration actions to seek review under the Administrative Procedures Act.

SEC. 3024. SPECIAL PROVISIONS FOR CAPITAL PROJECTS. – This section makes very minor amendments to Section 5324 and changes the title of the section from “Limitations on discretionary and special needs grants and loans” to “Special provisions for capital projects,” which is more descriptive of the provisions contained therein regarding relocation program requirements and consideration of economic, social, and environmental interests.

SEC. 3025. CONTRACT REQUIREMENTS. – This section consolidates Section 5325 “Contract Requirements” and Section 5326 “Special Procurements”, since the provisions of Section 5326 fall within the scope of conditions set on contracts that utilize federal funds provided under chapter 53 of title 49, United States Code. Recipients of such funds are required to conduct procurements using full and open competition and use standard architectural, engineering, and design contract award procedures.

SEC. 3026. PROJECT MANAGEMENT OVERSIGHT AND REVIEW. – This section amends Section 5327 regarding project management oversight activities. The Secretary is authorized to use .5 percent of section 5311 funds, .75 percent of section 5307 funds, and 1 percent of section 5309 funds to make contracts for oversight of major transit construction projects, and to review and audit recipients’ compliance with federal requirements and provide technical assistance to correct deficiencies identified in such reviews and audits.

SEC. 3027. INVESTIGATIONS OF SAFETY AND HAZARDS. – This section amends Section 5329 regarding the Secretary’s authority to investigate safety and security risks associated with public transportation equipment, facilities, or operations financed under chapter 53 of title 49, United States Code. The Secretary may withhold federal assistance until a plan to eliminate, mitigate, or correct the hazard has been approved and carried out.

SEC. 3028. STATE SAFETY OVERSIGHT. – This section amends Section 5330 regarding the requirement to have a State safety oversight program in place before a fixed guideway new start project begins revenue service (other than a commuter rail system under the safety oversight of the Federal Railroad Administration).

SEC. 3029. CONTROLLED SUBSTANCES AND ALCOHOL MISUSE TESTING. – This section amends Section 5331 regarding drug and alcohol testing of public transportation employees, allowing the Secretary to apply a single agency’s drug and alcohol testing regime if a particular transportation provider is subject to more than one agency’s rules.

SEC. 3030. EMPLOYEE PROTECTIVE ARRANGEMENTS. – This section amends Section 5333 making conforming changes to ensure that all federal public

transportation grant programs are subject to fair labor standards and employee protective arrangements.

SEC. 3031. ADMINISTRATIVE PROCEDURES. – This section amends Section 5334 regarding the Secretary of Transportation and Federal Transit Administration’s authority to administer programs carried out under chapter 53 of title 49, United States Code. The Secretary is prohibited from regulating public transportation provider’s routes, schedules, and rates, except in the case of a national or regional emergency. The Federal Transit Administration is required to subject non-regulatory substantive policy statements (such as guidance and regulatory interpretations) to a 60-day public review notice and comment period.

SEC. 3032. NATIONAL TRANSIT DATABASE. – This section amends Section 5335 by striking subsection (b) regarding a transferability report that was completed in 1993 and changing the title of the section to reflect the remaining provisions regarding the Secretary’s authority to maintain a national reporting system of public transportation financial and operating information using a uniform system of accounts.

SEC. 3033. APPORTIONMENTS BASED ON FIXED GUIDEWAY FACTORS. – This section amends Section 5337 regarding apportionment formulas for the fixed guideway modernization program. The provision regarding route segments to be included in the apportionment formula is amended to delete the “1997 Standard” that held eligible rail system mileage to the number of miles a system reported in fiscal year 1997.

SEC. 3034. AUTHORIZATIONS. – This section amends Section 5338, making Federal Transit Administration program funds available on an annual basis for the period of authorization, fiscal years 2004 through 2009.

SEC. 3035. OVER-THE-ROAD BUS ACCESSIBILITY PROGRAM. – This section amends Section 3038 of the Transportation Equity Act for the 21st Century regarding the over-the-road bus accessibility program, which provides grants to intercity and charter bus providers for incremental costs of equipment to reach compliance with the Americans with Disabilities Act. The federal share for such incremental costs is 80 percent.

SEC. 3036. UPDATED TERMINOLOGY. – This section amends chapter 53 of title 49, United States Code by striking “mass transportation” and replacing it with “public transportation.”

SEC. 3037. PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS. – This section lists the projects that are authorized under the section 5309 new starts and small starts programs for fiscal years 2004 through 2009. Existing full funding grant agreements are listed separately from projects authorized for final design and construction and those authorized for alternatives analysis and preliminary engineering.

SEC. 3038. PROJECTS FOR BUS AND BUS-RELATED FACILITIES. – This section lists bus and bus facilities projects and associated funding levels for fiscal years 2005, 2006, and 2007.

SEC. 3039. FUEL CELL BUS PROGRAM. – This section authorizes a new fuel cell bus research and demonstration program for hydrogen fuel cell and liquid fuel cell bus technologies.

SEC. 3040. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS. – This section amends Section 1023(h)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 by extending from the current exemption from the per-axle weight limitation for buses used in public transportation.

SEC. 3041. HIGH-INTENSITY SMALL URBANIZED AREA FORMULA GRANT PROGRAM. – This section establishes a new set-aside program from the section 5307 urbanized area formula grants that provides a small bonus grant payment to small urbanized areas under 200,000 in population that operate at levels of service in areas such as ridership, volume, and efficiency that are above the average levels of service in similarly-sized areas.

SEC. 3042. ALLOCATION FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS. – This section establishes seven specific research areas within the Federal Transit Administration's national research and technology program, and allocates funding levels in each fiscal year of the authorization period for these research areas.

SEC. 3043. OBLIGATION CEILING. – This section sets the annual obligation ceiling for Federal Transit Administration programs authorized by this Act for fiscal years 2004 through 2009, including both amounts made available from the Mass Transit Account of the Highway Trust Fund and general funds from the U.S. Treasury.

SEC. 3044. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 2004. – This section provides for the funding reconciliation of apportionments and allocations made to transit grant recipients under this Act with the levels of funding already made available under the Surface Transportation Extension Act of 2004, which expires April 30, 2004.

TITLE IV – MOTOR CARRIER SAFETY AND TRANSPORTATION

SUBTITLE A – COMMERCIAL MOTOR VEHICLE SAFETY

SEC. 4101. AUTHORIZATION OF APPROPRIATIONS. - This section provides funding from the Highway Trust Fund, other than the Mass Transit Account, for FMCSA to implement safety programs for fiscal years 2004 through 2009.

SEC. 4102. MOTOR CARRIER SAFETY GRANTS. - This section would reauthorize the Motor Carrier Safety Assistance Program, with a number of changes in the annual safety plan, authorized State enforcement activities, and high priority activities.

SEC. 4103. BORDER ENFORCEMENT GRANTS. - This grant program is for State enforcement activities at the Canadian and Mexican borders. No Federal activity shall be conducted using this money.

SEC. 4104. COMMERCIAL DRIVER'S LICENSE IMPROVEMENTS. - This section will enable States, through grants, to improve the implementation of their commercial driver's license programs.

SEC. 4105. HOBBS ACT. - This section would amend the Hobbs Act to make explicit the interpretation given to that act by a series of decisions of the U.S. Circuit Courts of Appeal.

SEC. 4106. PENALTY FOR DENIAL OF ACCESS TO RECORDS. - This section creates a financial penalty to dissuade any uncooperative carriers or shippers from denying or impeding FMCSA's legitimate access to records.

SEC. 4107. MEDICAL REVIEW BOARD. - This section requires the FMCSA to establish a Medical Review Board to serve as a source of up-to-date medical advice for the FMCSA on matters related to driver qualification rules, guidelines for medical examiners, and standards for medical exemptions.

SEC. 4108. INCREASED PENALTIES FOR OUT-OF-SERVICE VIOLATIONS AND FALSE RECORDS. - This section increases the penalties for violating an out-of-service order, or creating false records.

SEC. 4109. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT. - This section moves the commercial vehicle information system and networks deployment program out of FHWA to FMCSA in order to streamline the grant process.

SEC. 4110. SAFETY FITNESS. - This section amends subsections (a) through (c) of section 31144 of title 49 to allow the Secretary to enforce more stringent safety fitness determinations for interstate and intrastate carriers.

SEC. 4111. PATTERNS OF VIOLATIONS BY MOTOR CARRIER AND BROKER MANAGEMENT. - This section amends 49 U.S.C. 31135 to authorize the Secretary to suspend, amend, or revoke the registration of a for-hire motor carrier if any of its officers has engaged in a pattern or practice of avoiding compliance, or concealing non-compliance, with Federal standards.

SEC. 4112. MOTOR CARRIER RESEARCH AND TECHNOLOGY PROGRAM.

- This section authorizes a comprehensive FMCSA research and technology program.

SEC. 4113. INTERNATIONAL COOPERATION. - This section authorizes the Secretary, and thus the Federal Motor Carrier Safety Administration (FMCSA), to engage in international activities.

SEC. 4114. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT. - This section updates the current statute to more closely follow how the performance and registration information systems management (PRISM) program is currently administered and establishes a new separate grant program for PRISM.

SEC. 4115. DATA QUALITY IMPROVEMENT. - This section adds language to the current information systems requirements to ensure that the data FMCSA receives from the States is timely, accurate, and complete.

SEC. 4116. DRIVEAWAY SADDLEMOUNT VEHICLES. - This section creates a new national standard for the maximum length of drive-away saddlemount with fullmount vehicle transporter combinations operated on the Interstate Highway System.

SEC. 4117. COMPLETION OF UNIFORM CARRIER REGISTRATION. - This section repeals the single state registration system and requires FMCSA to complete a rule making for an on-line registration system to replace the old registration system originally administered by the Interstate Commerce Commission.

SEC. 4118. REGISTRATION OF MOTOR CARRIERS AND FREIGHT FORWARDERS. - This section harmonizes the jurisdictional reach of the commercial and the safety statutes by eliminating the requirement for motor carriers to register if they are not subject to the Federal motor carrier safety regulations.

SEC. 4119. DEPOSIT OF CERTAIN CIVIL PENALTIES INTO HIGHWAY TRUST FUND. - This section amends current law to deposit all civil penalties collected from motor carriers for violations of the Federal insurance requirements into the Highway Trust Fund, other than the Mass Transit Account.

SEC. 4120. OUTREACH AND EDUCATION. - This section authorizes the Secretary to conduct an outreach and education program through the FMCSA and NHTSA to promote highway safety.

SEC. 4121. INSULIN-TREATED DIABETES MELLITUS. - This section requires the Secretary to allow individuals who use insulin to treat their diabetes to operate commercial motor vehicles in interstate commerce without requiring the individual to have experience operating a commercial motor vehicle while using insulin.

SEC. 4122. GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS. - This section would establish a grant program to train drivers and future drivers of commercial motor vehicles to operate such vehicles in a safe manner.

SEC. 4123. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE. - This section requires the establishment of a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of commercial motor vehicle safety issues.

SEC. 4124. SAFETY DATA IMPROVEMENT PROGRAM. -This section establishes a grant program to the States dedicated to improving the quality and timeliness of the data provided to the Secretary.

SEC. 4125. COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM IMPROVEMENTS. - This section creates a grant program to be used to modernize the commercial driver's license information system (CDLIS). This section also allows the Secretary to conduct a pilot project in 3 States to evaluate a program for sharing information about all drivers' licenses, both commercial and non-commercial, between States.

SEC. 4126. MAXIMUM HOURS OF SERVICE FOR OPERATORS OF GROUND WATER WELL DRILLING RIGS. - This section preserves the 24-hour restart provision enacted in the NHS Designation Act and provides that no additional off-duty time (greater than 10 hours) shall be required for operators of commercial motor vehicles transporting ground water well drilling rigs.

SEC. 4127. SAFETY PERFORMANCE HISTORY SCREENING. – This section requires the Secretary to provide companies conducting pre-employment screening services for motor carrier employers, electronic access to commercial motor vehicle accident reports involving a driver-applicant that are collected and maintained by the Federal Motor Carrier Safety Administration in its Motor Carrier Management Information System.

SEC. 4128. INTERMODAL CHASSIS ROADABILITY RULE-MAKING. - This section directs the Secretary to initiate a rule making to ensure that equipment used to transport intermodal chassis are safe. The rule making must be completed no later than 1 year after enactment of this bill and must address a way to identify the equipment owner, a civil penalty structure, a petition process, and an inspection system.

SEC. 4129. SUBSTANCE ABUSE PROFESSIONALS. - This section requires the Secretary to update the current regulatory definition of a substance abuse professional to include licensed or certified mental health counselors and addiction specialists.

SEC. 4130. INTERSTATE VAN OPERATIONS. - This section directs the Secretary to extend the Federal motor carrier safety regulations found in 49 Code of Federal Regulations, Parts 387, 390 through 399 to all operations of commercial motor vehicles

designed to transport between 9 and 15 passengers (including the driver), regardless of their operational distance. This section is intended to amend the final rule issued by the DOT on August 12, 2003.

SEC. 4131. TECHNICAL CORRECTIONS. - Subsection (a) adds the Administrator as a member of the Intermodal Transportation Advisory Board. Subsection (b) changes the reference from “Regional Director” to “Field Administrator” that position’s correct title since the creation of the FMCSA in the Motor Carrier Safety Improvement Act of 1999.

SUBTITLE B – HOUSEHOLD GOODS TRANSPORTATION

SEC. 4201. FEDERAL-STATE RELATIONS RELATING TO TRANSPORTATION OF HOUSEHOLD GOODS. - This section confers authority to a State Attorney General of any state to bring a civil action on behalf of its residents in an appropriate district court of the United States to compel a motor carrier to relinquish possession of a household goods shipment, to pay a civil penalty assessed under section 14915.

SEC. 4202. ARBITRATION REQUIREMENTS. - This section requires household goods carriers to offer shippers arbitration on all matters related to loss and damage, as well as, including disputes about charges. This section also increases the threshold for binding arbitration from \$5,000 to \$10,000.

SEC. 4203. CIVIL PENALTIES RELATING TO HOUSEHOLD GOODS BROKERS AND UNAUTHORIZED TRANSPORTATION. - This section creates civil penalties for household goods brokers who provide estimates prior to entering into a contract with a household goods mover. This section also creates a civil penalty for anyone who transports household goods in interstate commerce without having the authority to conduct that activity.

SEC. 4204. PENALTIES FOR HOLDING HOUSEHOLD GOODS HOSTAGE. - This section creates penalties, both civil and criminal, for anyone who holds a person’s household goods hostage once full payment (up to 110% of the estimate) has been made.

SEC. 4205. WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS. - This section would require the Secretary of Transportation to create a working group of State attorney generals, State consumer protection administrators and Federal and local law enforcement officials for the purpose of developing uniform enforcement procedures with respect to interstate transportation of household goods.

SEC. 4206. CONSUMER HANDBOOK ON DOT WEB SITE. - This section requires the Secretary of Transportation to publish a handbook about consumer’s rights in readily understandable language and display it prominently on the DOT Web site.

SEC. 4207. RELEASE OF HOUSEHOLD GOODS BROKER INFORMATION. -

This section requires the Secretary to modify the regulations to require household goods brokers to provide shippers, or potential shippers, with information about the motor carriers the broker uses, the broker's DOT identification number, the general information handbook, and a statement that the broker is not a motor carrier.

SEC. 4208. CONSUMER COMPLAINT INFORMATION. - This section requires the Secretary to establish a system for logging consumer complaints about household goods movers in a database that will be accessible to the public.

SEC. 4209. INSURANCE REGULATIONS. - This section directs the Secretary to review current regulatory requirements regarding insurance coverage provided by household goods motor carriers to shippers.

SEC. 4210. ESTIMATING REQUIREMENTS. -This section requires household goods motor carriers to provide written estimates for shipments of household goods.

SEC. 4211. APPLICATION OF STATE CONSUMER PROTECTION LAWS TO CERTAIN HOUSEHOLD GOODS CARRIERS. - This section requires the GAO to conduct a study of the impact on the household good industry for motor carriers and shippers if State attorney generals and consumer protection agencies were allowed to enforce their State consumer protection laws and regulations with respect to interstate transportation of household goods.

SEC. 4212. HOURS OF SERVICE FOR OPERATORS OF UTILITY SERVICE VEHICLES. – This section provides an exemption for operators of utility service vehicle from the hours-of-service rules.

TITLE V – TRANSPORTATION RESEARCH AND EDUCATION

SEC. 5101. AUTHORIZATION OF APPROPRIATIONS. - This section provides authorizations for each of the programs in the Research Title. The Surface Transportation Research Program and the Technology Deployment program, which were separate programs in TEA-21, are now merged into one program – the Surface Transportation Research, Development, and Deployment Program.

SEC. 5102. OBLIGATION CEILING. - This section establishes an obligation ceiling of about 98 percent of the authorized levels in Section 5101.

SEC. 5201. RESEARCH, TECHNOLOGY AND EDUCATION. - This section establishes basic principles for transportation research, including the federal responsibility and role, stakeholder input, and competition. It includes several general provisions and miscellaneous items.

SEC. 5202. LONG-TERM BRIDGE PERFORMANCE PROGRAM; INNOVATIVE BRIDGE RESEARCH AND DEPLOYMENT PROGRAM. – This section establishes a 20-year Long-term Bridge Performance Program and an Innovative Bridge Research and Deployment program.

SEC. 5203. SURFACE TRANSPORTATION ENVIRONMENT AND PLANNING COOPERATIVE RESEARCH PROGRAM. – This section creates a new research program to study the interaction between transportation and the environment.

SEC. 5204. TECHNOLOGY DEPLOYMENT. – This section established an Innovative Pavement Research and Deployment Program and a Safety Innovation Deployment Program.

SEC. 5205. TRAINING AND EDUCATION. - The National Highway Institute – the training office of the Federal Highway Administration – is continued and the general topics for courses that it develops and administers are specified. The Local Technical Assistance program is authorized for fiscal years 2005 - 2009.

SEC 5206. FREIGHT PLANNING CAPACITY BUILDING. - A Freight Planning Capacity Building Program is established to improve the capabilities of MPOs and other planning agencies in transportation planning for freight.

SEC 5207. ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM. - TRANSIMS is a state-of-the-art travel forecasting model that will have special utility for large MPOs in areas with air quality problems. Funding grants to states and MPOs will support deployment of this forecasting model.

SEC. 5208. NATIONAL COOPERATIVE FREIGHT TRANSPORTATION RESEARCH PROGRAM. - A new freight transportation research program is established.

SEC. 5209. FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM. – This program is modeled on the Strategic Highway Research Program that was established by Congress in 1987. TEA-21 directed that a study be conducted to determine the research agenda for a new strategic highway research program. F-SHRP will carry out the recommendations made by the study.

SEC. 5210. TRANSPORTATION SAFETY INFORMATION MANAGEMENT SYSTEM PROJECT. - Funding is provided over two years to develop a software system that will link driver licensing, vehicle registration, roadway inventory, and motor carrier databases. The purpose of this system is to more easily identify the cause of accidents, injuries, and fatalities, so that appropriate countermeasures can be developed.

SEC. 5211. SURFACE TRANSPORTATION CONGESTION RELIEF SOLUTIONS RESEARCH INITIATIVE. – This section establishes two independent research programs to assist State DOTs and MPOs in measuring and addressing surface transportation congestion problems.

SEC. 5212. MOTOR CARRIER EFFICIENCY STUDY. - This section provides funding for a study of the use of wireless technology to improve the safety and productivity of motor carrier freight transportation.

SEC. 5301. NATIONAL UNIVERSITY TRANSPORTATION CENTERS. - This section provides for national university transportation centers.

SEC. 5302. UNIVERSITY TRANSPORTATION RESEARCH. - This section provides for grants to be made to University Transportation Centers (UTCs), all of which will be selected on a competitive basis. The purpose of UTCs is to advance significantly the state-of-the-art in transportation research and expand the workforce of transportation professionals through research, education and technology transfer.

SEC. 5303. TRANSPORTATION SCHOLARSHIP OPPORTUNITIES PROGRAM. - This section allows the Secretary to establish a scholarship program to attract qualified students for transportation-related critical jobs.

SEC. 5401. ADVANCED HEAVY-DUTY VEHICLE TECHNOLOGIES RESEARCH PROGRAM. – This section directs the Secretary to conduct research, development, demonstration and testing on advanced heavy-duty vehicle technologies.

SEC. 5402. COMMERCIAL REMOTE SENSING PRODUCTS AND SPATIAL INFORMATION TECHNOLOGIES. - In cooperation with NASA and a consortium of university research centers, the Secretary shall carry out a program to validate commercial remote sensing products and spatial information technologies for application to transportation infrastructure.

SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS. - Several provisions are included for this agency, including: appointment of the Director; the National Transportation Library; collection of freight data; and establishment of an Advisory Council on Transportation Statistics.

SEC. 5601. SHORT TITLE. - The short title is “Intelligent Transportation Systems Act of 2004”

SEC. 5602. GOALS AND PURPOSES. - The goals and purposes of the Intelligent Transportation Systems Program are articulated.

SEC. 5603. GENERAL AUTHORITIES AND REQUIREMENTS. - This section grants the Secretary authority to use an advisory committee to carry out this subtitle.

SEC. 5604. NATIONAL ARCHITECTURE AND STANDARDS. - The Secretary is directed to develop, implement and maintain a national architecture for Intelligent Transportation Systems, as well as the supporting standards and protocols.

SEC. 5605. RESEARCH AND DEVELOPMENT. - The Secretary is directed to carry out a comprehensive Intelligent Transportation Systems research, development, and operational test program.

SEC. 5606. INFRASTRUCTURE DEVELOPMENT. - This section states that funds made available in this subtitle shall be used for ITS infrastructure and not for conventional highway and transit infrastructure.

SEC. 5607. DEFINITIONS. - This section defines key terms, including ITS, Intelligent Transportation Infrastructure, National Architecture, Standard, and Transportation Systems Management and Operations.

SEC. 5608. RURAL INTERSTATE CORRIDOR COMMUNICATIONS. - This section provides funding for a study on the feasibility of installing fiber optic cabling and wireless communication infrastructure along Interstate route corridors

SEC. 5609. REPEAL. - The Intelligent Transportation Systems subtitle in TEA-21 is repealed and replaced by the sections 5601 – 5607 described above.

TITLE VI – TRANSPORTATION PLANNING AND PROJECT DELIVERY

SEC. 6001. TRANSPORTATION PLANNING. - This section creates a new chapter 52 in title 49 to address transportation planning and environmental review for transportation projects. Existing planning provisions for highway (sections 134 and 135 in title 23) and transit programs (sections 5303-5305 in title 49) are combined to form a unified planning title. Minor adjustments are made to eliminate inconsistencies and to reflect updated terminologies and practices. The sections of the newly created chapter 52 are 5211 – Policy; 5212 – Definitions; 5213 – Metropolitan transportation planning; and 5214 – Statewide transportation planning.

Section 6001 extends the update cycle of metropolitan long-range transportation plans from 3 years under current regulation to 4 years. It extends the update cycle of metropolitan transportation improvement programs (TIPs) from 2 years under current law to 4 years. It incorporates the requirements to set aside a portion of a state's annual apportionments for NHS, CMAQ, STP, interstate maintenance, and bridge programs for congestion relief activities into the TIPs.

The section similarly extends the update cycle of state transportation improvement programs from 2 years to 4 years. It requires the state transportation improvement

program to reflect the priorities for congestion relief activities that are included in the metropolitan TIPs.

SEC. 6002. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING. – This section establishes an environmental review procedure pursuant to NEPA for highway, transit, and intermodal projects designed to produce predictable results under sections 5251 and 5252 of title 49, United States Code. Under this procedure, FHWA or FTA will be the federal lead agency charged with the responsibility to define the purpose and need for a project and to determine the range of alternatives to be considered in project evaluation for purposes of any document which the lead agency is responsible for preparing. Deadlines concerning dispute resolution among participating agencies, comments by agencies and the public, and filing of claims are established as part of the procedure.

SEC. 6003. POLICY ON HISTORIC SITES. – This section amends section 303 of title 49 and section 138 of title 23 to provide that requirements under such section(s) are deemed to be satisfied if an agreement under section 106 of the National Historic Preservation Act concludes that a transportation program or project will not have an adverse effect on an historic site, unless the Advisory Council on Historic Preservation determines that using the section 106 consultation procedure to satisfy the requirements of such sections is inconsistent with the objectives of such Act. This section addresses the eligibility of the Interstate Highway System and bridges for listing as national historic structures.

TITLE VII – HAZARDOUS MATERIALS TRANSPORTATION

SEC. 7001. AMENDMENT OF TITLE 49, UNITED STATES CODE. - This section establishes that any reference to a section or other provision shall be considered a section or provision of title 49, United States Code, unless otherwise specified.

SEC. 7002. FINDINGS AND PURPOSE. - This section establishes the Congressional findings of the hazardous materials title, and updates and clarifies the purpose of chapter 51.

SEC. 7003. DEFINITIONS. - This section modifies the definition of commerce to include transportation on a U.S. registered aircraft and adds a definition of Secretary to mean the Secretary of Transportation.

SEC. 7004. GENERAL REGULATORY AUTHORITY. - This section updates the terminology used to describe the materials the Secretary should designate as hazardous, as well as, the terminology describing the transportation, and transportation-related, activities regulated by the DOT.

SEC. 7005. CHEMICAL OR BIOLOGICAL MATERIALS. - This section requires the Secretary to develop uniform standards governing the collection of information for, review of the information for, and notification of the results of background checks on

individuals transporting hazardous materials. It also requires that drivers from Canada and Mexico who are transporting hazardous materials into the U.S. to have background checks similar to those conducted on U.S. drivers who transport hazardous materials.

SEC. 7006. REPRESENTATION AND TAMPERING. - This section updates the language in current law without changing the scope of the law.

SEC. 7007. TECHNICAL AMENDMENTS. - This section provides technical amendments to update the terminology in current law.

SEC. 7008. TRAINING OF CERTAIN EMPLOYEES. - This section codifies the current training practice being provided to certain railroad employees.

SEC. 7009. REGISTRATION. - This section updates the current statutory language to require all persons who design and inspect hazardous materials packages, or package components, to register with the Secretary. This section also reduces the maximum fee the Secretary may assess from \$5,000 to \$3,000.

SEC. 7010. PROVIDING SHIPPING PAPERS. - This section would require that each person who prepares a shipping paper must make the disclosures that the Secretary prescribes by regulation. This section would require that shippers and carriers retain shipping papers for two years after the shipping paper is prepared.

SEC. 7011. RAIL TANK CARS. - This section repeals section 5111, which permits a rail car built before January 1, 1971, to be used for hazardous materials transportation only if the air brake equipment support attachments of the car comply with the standard for attachments contained in 49 CFR 179.100-16 and 179.200-19.

SEC. 7012. UNSATISFACTORY SAFETY RATINGS. - This section would provide that a motor carrier owner or operator transporting hazardous materials in commerce that is declared “unfit” for more than 45 days after being found “unfit” is subject to the civil penalties in section 5123 and the criminal penalties in section 5124.

SEC. 7013. TRAINING CURRICULUM FOR THE PUBLIC SECTOR. - The changes in this section update the training curriculum to include appropriate emergency response training and planning programs developed with all Federal assistance, not just those under Federal grant programs. This section also makes the Secretary responsible for distribution and publication of the training curriculum.

SEC. 7014. PLANNING AND TRAINING GRANTS, MONITORING, AND REVIEW. - This section also establishes the Secretary of Transportation as the lead for monitoring public sector emergency response planning and training. It also establishes a new account within Treasury specifically for hazardous materials emergency preparedness.

SEC. 7015. SPECIAL PERMITS AND EXCLUSIONS. - This section would clarify that the Secretary may issue a special permit to any person who performs a function identified under section 5103(b)(1). This section would increase the maximum renewal period of special permits from two years to four years, except for special permits issued that are related to highway routing of hazardous materials.

SEC. 7016. UNIFORM FORMS AND PROCEDURES. - This section requires the Secretary to establish a working group to develop uniform forms and procedures for States to register and issue permits to persons who transport, or cause to be transported, hazardous materials in the State.

SEC. 7017. INTERNATIONAL UNIFORMITY OF STANDARDS AND REQUIREMENTS. - This section is amended to reflect that the Secretary may have international requirements that need to be met in addition to current international standards.

SEC. 7018. ADMINISTRATIVE. - This section would amend section 5121 to provide for enhanced authority to discover hidden shipments of hazardous materials and to clarify and enhance the inspection and enforcement authority of DOT officials and inspection personnel, thereby enabling them to more effectively identify hazardous materials shipments and to determine whether those shipments are made in accordance with the Hazardous Materials Regulations.

SEC. 7019. ENFORCEMENT. - This section would amend section 5122 for clarity.

SEC. 7020. CIVIL PENALTY. - Section 5123 also would be amended to increase the maximum civil penalty from \$27,500 to \$50,000 for each violation. In those incidents resulting in death, serious illness, or substantial destruction of property, the Secretary would be able to increase the maximum penalty to \$100,000.

SEC. 7021. CRIMINAL PENALTY. - Section 5124 would be revised to include a new “reckless” standard and to define the “knowing,” “reckless,” and “willful” mental-state standards necessary to establish a criminal violation.

SEC. 7022. PREEMPTION. - This section strikes existing provisions regarding judicial review since judicial review is addressed by the revisions provided in section 7024 of this bill. This section also adds language to ensure that when the preemption test required by this section is conducted, each requirement is independent in their application to the State or Indian tribe.

SEC. 7023. RELATIONSHIP TO OTHER LAWS. - This section updates the language in the current law without changing the scope.

SEC. 7024. JUDICIAL REVIEW. - This section adds a new section 5127 providing for judicial review of final actions take by the Secretary under chapter 51.

SEC. 7025. AUTHORIZATION OF APPROPRIATIONS. - This section provides funding for the DOT to implement the programs and grants established and required in chapter 51 for fiscal years 2004 through 2007.

SEC. 7026. DETERMINING AMOUNT OF UNDECLARED SHIPMENTS OF HAZARDOUS MATERIALS ENTERING THE UNITED STATES. - This section requires the GAO to conduct a study to propose methods to determine the amount of undeclared shipments of hazardous materials entering the United States.

SEC. 7027. CONFORMING AMENDMENTS. - This section provides conforming amendments necessary for the changes made in Title VII.

Title VIII - TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

SEC. 8001. POLICY. - This section retains the principles of guaranteed funding levels and budgetary firewalls for the federal-aid highways program, Federal Motor Carrier Safety Administration, the trust fund portion of the National Highway Traffic Safety Administration, and the general fund and trust fund portion of the Federal Transit Administration.